

To: R2 EPA Region 2 (EPA Staff)[R2_EPA_Region_2_EPA_Staff@epa.gov]
From: Shore, Berry
Sent: Fri 10/28/2016 1:54:50 PM
Subject: PFOA/POFS & 1,4-dioxane Clips

New York State and EPA Point Fingers Over PFOA Contamination Concerns

Posted by Roopal Luhana

October 25, 2016 10:00 AM

The Legal Examiner

At the end of August 2016, New York State Health Commissioner Howard Zucker stated in a letter that New York followed federal guidelines when it came to dealing with contamination of Hoosick Falls' water with toxic perfluorooctanoic acid (PFOA). The problem, he continued, was that the Environmental Protection Agency (EPA) gave confusing and inconsistent guidance.

The EPA fired back in response stating that instead of writing accusatory letters, the state should work with the EPA to clean up the contamination and protect the public drinking water supply.

Hoosick Falls Hit with PFOA Contamination

In June 2015, samples collected from the public water supply in Hoosick Falls, New York, were found to contain more than 600 ppt (parts per trillion) of PFOA. At the time, the EPA recommended an upper limit of no more than 400 ppt.

On November 25, 2015, EPA Regional Administrator Judith A. Enck sent a letter to Mayor Borge of Hoosick Falls, New York, stating that PFOA water contamination had been discovered in the groundwater and drinking water at higher-than-advised levels. She recommended that bottled water be provided to residents and that the water not be used for cooking, until PFOA concentrations could be reduced.

It wasn't until January 2016 that Governor Cuomo announced a state of emergency and began a series of actions to address the contamination. Since then, critics have complained that the state took way too long to take action on this public safety concern.

Residents Blame Governor Cuomo For Delaying Action

New York officials were criticized as downplaying the dangers of the contaminated water, but at the same time, the EPA was criticized for taking so long to issue a new upper limit recommendation on PFOA.

Studies conducted beginning in 2006 concluded that PFOA (also called C8) exposure was linked to high cholesterol, ulcerative colitis, thyroid disease, testicular cancer, kidney cancer and pregnancy-induced hypertension. The EPA was aware of these and other studies indicating serious safety concerns with the chemical, but they waited until this year to issue a new recommended upper limit of 70 ppt.

The EPA says it started telling state health officials in October 2015 that Hoosick Falls residents should not be drinking or cooking with their tap water, but that those officials refused to do so. Hoosick Falls residents, meanwhile, have blamed Democratic Governor Andrew Cuomo's administration for taking too long to call attention to the issue and mobilize government departments to address it.

State Wants EPA to Help Pay for Cleanup

The Department of Environmental Conservation sent a letter to the EPA asking them to reimburse New York for costs incurred during the Hoosick Falls cleanup that are not ultimately paid by the parties believed to be responsible—St. Gobain Performance Plastics and its plant's predecessor, Honeywell International.

They say that the EPA gave conflicting guidance on how much PFOA was safe in the water, having set the upper limit at 400 ppt in 2009, around which the state believed

there was a margin of safety. The EPA then set a long-term upper limit of 70 ppt in May 2016, and in between those two times, advised New York to set a target of no more than 100 ppt in their cleanup efforts.

The EPA stated that the polluters—in this case, believed to be the plastics plant owners—should be responsible for the cost of cleanup, not the EPA, or more specifically, the U.S. taxpayers.

Progress in Fixing Newburgh's Drinking Water Supply: Filtration system construction and fish sampling have started; blood testing will start soon.

By Lanning Taliaferro (Patch Staff)

October 25, 2016 9:05 pm ET ☐

Mid-Hudson Valley Patch

NEWBURGH, NY — New York State Department of Environmental Conservation and the New York State Department of Health today announced significant steps to address water contamination issues in Newburgh.

The problem is elevated levels of perfluorooctane sulfonic acid (PFOS) and perfluorinated chemicals (PFCs) found in drinking water at Washington Lake.

Construction of a permanent Granulated Activated Carbon filtration system at the City of Newburgh's water treatment plant began in September and is on track to be fully operational by October 2017. Under terms of an agreement with the city, the state has committed to fully funding this large-scale system and will pay for the operation and maintenance for as long as it is needed.

DEC continues to work closely with city officials to implement a plan to reduce the water levels in Lake Washington to address potential threats to the lake's dam and surrounding watersheds.

DEC is undertaking protective measures to maintain the integrity of the dam structure while minimizing the potential for the release of PFOS-contaminated water over the dam spillway and into the surrounding Quassaic Creek watershed. Operations to draw down the lake began on Sept. 20, and are continuing at rates as high as 3,000 gallons per minute to maintain a safe level throughout the fall and early winter storm season. Water is being discharged to Silver Stream after first being filtered through a portable GAC treatment unit.

DEC Commissioner Basil Seggos recently met with City of Newburgh and Orange County officials to provide an update on the progress. Seggos and DOH Commissioner Dr. Howard Zucker serve as co-chairs of Gov. Andrew M. Cuomo's Water Quality Rapid Response Team and are working closely with City and County officials to address contamination and ensure clean drinking water for City of Newburgh residents.

"Since identifying the contamination in March, New York State's top priority has been to provide and secure a clean, long-term drinking water supply for the City of Newburgh," Seggos said in the status update. "Working together, we've made incredible progress. While more remains to be done, the State will continue to work with our federal and local partners until the job is finished."

"We have taken a number of important actions to eliminate PFOS exposure in drinking water for Newburgh residents," said Zucker. "DOH has also been working closely with our local and federal partners to implement a biomonitoring program that will begin on November 1 and provide residents with a greater understanding of their past exposure to PFOS."

As part of the ongoing field investigation into the extent of PFOS contamination in the area, DEC recently conducted fish sampling at Moodna Creek and Recreation Pond. Sampling will continue at Beaverdam Lake and a tributary, Lockwood Basin/Washington Lake and Brown's Pond, a clean reference location, over the next few weeks.

These sites were chosen to sample affected waters, ponds, and streams where people might be fishing, and locations where wildlife could be affected.

Each site is being sampled for one or more sportfish species, plus a minnow species to be evaluated for ecological food chain impacts. The fish will be analyzed for 13 perfluorinated compounds (PFCs) including PFOS and PFOA. Results from standard fillets will be used by the New York State Department of Health to provide advice on fish consumption while DEC will use whole fish results to examine potential ecological effects of the contamination.

Results from the sampling are expected in early spring 2017.

Today's announcements complement DOH's ongoing efforts to conduct a comprehensive biomonitoring program for City of Newburgh residents with concerns about their past exposures to PFOS and other perfluorinated chemicals from the City's drinking water. The first blood tests will be held at the Cornerstone Family Healthcare locations at 147 Lake Street and 290 Broadway in Newburgh beginning Nov. 1.

Blood tests will be scheduled first for residents who expressed interest in participating in testing at public meetings or contacted DOH.

Interested residents are strongly encouraged to pre-register for an appointment by calling 518-402-7950 or emailing BEOE@health.ny.gov. Day, evening, and weekend appointments are available and more dates will be added based on demand and feedback from the community.

"I am thrilled with the state's quick and steady progress to begin construction of the new filtration system and drawdown Lake Washington to ensure the health and safety of our residents," said City of Newburgh Mayor Judy Kennedy. "Now with the launch of the biomonitoring program, our residents will continue to get information on the impacts of this contamination. I look forward to our continued partnership to provide clean drinking water to our community."

In May and June, DEC and DOH assisted the City in transitioning to the Brown's Pond water supply and then to the New York City Catskill Aqueduct, both of which have tested non-detect for PFOS. The State is providing funding for upgrades to the existing connection to the Catskill Aqueduct to ensure the City of Newburgh can continue to

draw from this backup source in the future. The State has also committed to covering the City of Newburgh's payments to the City of New York for use of Catskill Aqueduct water. In September, the State transferred \$2.4 million to the City of Newburgh, the first of several advances planned to cover the City's water bill.

In August, DEC designated Stewart Air National Guard base as a Class 2 State Superfund site, identifying the U.S. Department of Defense as a potentially responsible party, and unlocking the full authority and resources of the State Superfund law to ensure comprehensive and expedited clean-up of contamination in the area.

Earlier this year, Cuomo established the Water Quality Rapid Response Team charged with swiftly identifying and addressing critical drinking water contamination concerns across the state. Co-chaired by Commissioners Seggos and Zucker, the team has been working to rapidly respond to site-specific issues, and to develop and Action Plan that will include recommendations to strengthen the state's existing drinking water, groundwater, and surface water protection programs.

Opinion: Minter is family focused

By Katy Farber

3:23 p.m. EDT October 26, 2016

Burlington Free Press

Back when my kids were born, I became very involved in protecting them and all kids from toxic chemicals. I researched my purchases and practices, supported stronger policies, and wrote regularly on my blog, Non-Toxic Kids. I worked to pass legislation banning lead from kids' products in Vermont. We've made great progress on toxics in our state, and I am proud of that.

But the fight continues. We have suspected cancer-causing PFOA in drinking water in southern Vermont; concerns about lead in drinking water nationwide; and new research raising questions about Chromium-6 in our water supply. We cannot afford to take our eye off this issue – the public health is too important.

That's why I am writing today. In 2015, Vermont's Senate was on the verge of strengthening our laws to better protect children like my daughters from toxic chemicals. It seemed like such an easy choice. The provision would have made it easier for Vermont's commissioner of health to give parents like me information about which toxic chemicals are in which products so we could make informed decisions. And it would have made it easier for Vermont to keep the very worst chemicals out of kids' products entirely. Who could be against protecting kids from toxic chemicals?

Surprisingly. Phil Scott came out against this common sense policy. In one of a tiny handful of votes he made as lieutenant governor, Scott cast the tie-breaking vote to kill that provision. This is beyond disappointing and makes me question his judgment. Is he putting corporate interests before the public health?

Meanwhile, Sue Minter has been endorsed by the Vermont Conservation Voters for her record on environmental issues. Sue's got my vote for governor based on her family-focused decisions and plans, including protecting our families from all kinds of harm, from toxics, gun violence, climate change and poverty.

Hoosick Falls residents blast Airbnb for anti-Serino mailers

Jon Campbell , jcampbell1@gannett.com

6:06 p.m. EDT October 27, 2016

lohud.com

ALBANY - Hoosick Falls residents spoke out Thursday against home-sharing giant Airbnb for drawing ties to the village's water-contamination crisis in direct-mail advertisements targeting a Hudson Valley state senator.

Residents of the small Rensselaer County village near the Vermont border took to social media to express their displeasure with the company, whose political action committee spent more than \$550,000 in the past two weeks on a pair of key races that could help decide which party controls the state Senate.

About \$91,000 funded mailers targeting Sen. Sue Serino, R-Hyde Park, Dutchess County, seeking to tie her to major water-contamination issues in Hoosick Falls — despite Airbnb's focus on housing issues and the village being 80 miles north of the northern-most point of Serino's mid-Hudson Valley district .

The USA Today Network's Albany Bureau highlighted the mailers in a report Wednesday.

"Airbnb funds a superpac and evokes #hoosickfalls #pfoa water crisis on a senate race in... #hudsonvalley ?!?", tweeted Rob Allen, a Hoosick Falls music teacher and father of four. "Deeply offended. Deeply."

In an interview Thursday, Allen — who has been active in Hoosick Falls residents' battle with government regulators — said it was "demeaning" to residents of the village, whose water wells have shown significantly high levels of PFOA, an industrial chemical with ties to serious medical issues.

"To connect those issues and to try and make a statement out of our situation demeans us and the work we've done and the people who were affected by it," Allen said.

Loreen Hackett, a Hoosick Falls resident who runs a Twitter account featuring photos of residents holding signs showing the level of PFOA in their blood, accused the company of "exploiting poisoned families," calling their mailers "callous, disrespectful and deplorable."

In a statement Thursday, Damien LaVera, a spokesman for Airbnb's PAC, defended the mailers, saying people in the Hudson Valley are concerned about environmental issues facing their communities.

He cited a report earlier this year from EPL/Environmental Advocates, which ranked Serino third-lowest in the Senate on environmental issues in 2016.

"Airbnb at its core is a community of hosts — and that community in the Hudson Valley is deeply concerned about environmental issues and what their elected officials are doing to ensure that their natural resources are protected," he said. "The questions need to be directed at Sue Serino and the spotlight needs to shine on her environmental record, which is the third worst in the senate."

The company's political arm — the Stronger Neighborhoods PAC — has spent \$457,380 so far on Serino's battle against former Sen. Terry Gipson, a Rhinebeck Democrat trying to recapture his old seat in a district that stretches across Putnam and Dutchess counties.

The majority of that money has funded television advertisements targeting Serino for her vote in favor of a new law, which imposes stiff fines for New York City users who advertise apartments in multi-dwelling buildings for a rental term of less than 30 days, which is illegal.

Hanover Couple With Contaminated Drinking Water Threatens To Sue Dartmouth College

By Rebecca Sananes • 15 hours ago

Vermont Public Radio

Photo: Debbie and Richard Higgins sit on the deck of their customized house. Their land has been contaminated by a Dartmouth College hazardous waste site.

The Ivy League school has 3 months to relocate the couple to a new permanent home or face a lawsuit. Otherwise, they're threatening a federal lawsuit.

Debbie and Richard Higgins have been in mediation with the college this year, but have not been able to come to amicable terms with the school. They live downhill from the former Dartmouth hazardous burial site and have have been living with the chemical 1-4, dioxane, a probable carcinogen, in their drinking water for over a year.

The contamination originated on Dartmouth property where cadavers, radioactive animal carcasses and scintillation fluid were buried in the 1960s and '70s.

Under the federal Resource Conservation and Recovery Act, citizens can bring a lawsuit against persons who have disposed of hazardous waste.

“That particular provision of the environmental law is called the imminent and substantial endangerment provision” said Tony Roisman, one of the lawyers who wrote the letter on behalf of the Higgins to Dartmouth College. “That's what Dartmouth has created and is continuing to persist in creating at the Rennie Farm Site.”

Debbie Higgins says she and her husband are still waiting for Dartmouth to appropriately relocate them.

“We cannot drink our water, our well and our land is polluted with a cancer-causing chemical,” she told VPR. “It's been almost 14 months, we're still in the house and we would think that Dartmouth College would want to make this right, but as of yet, they have not.”

"It's been almost 14 months. We're still in the house, and we would think that Dartmouth College would want to make this right, but as of yet, they have not." - Debbie Higgins

In a statement Thursday, Dartmouth says they have previously offered to relocate the Higgins, and have provided them with bottled water and installed a point-of-entry treatment system so that their well water can be safely used.

Dartmouth College now has 90 days to satisfy the Higgins' claims.

The letter was also sent to the state and EPA. Those agencies will have the opportunity to intervene.

Tony Roisman, the Higgins' lawyer, says that's what this grace period is for.

“The EPA or the state environmental agencies decide that they will do the right thing and bring enforcement action directly against Dartmouth for these failures,” Roisman said.

If they do not comply with the demands, Dartmouth could be in federal court early next year.

Dartmouth says they have previously offered to relocate the Higgins, and have provided them with bottled water and installed a treatment system for their well water.

The Higgins' letter also addresses broader concerns, including increased cleanup efforts in the area.

Roisman says in order to meet the Higgins' requirements, Dartmouth will need to determine "what it dumped, where it dumped it, what happened to it after it was dumped, including a thorough groundwater study."

After that, Roisman says, Dartmouth will need to determine the magnitude of the problem.

The college already has plans to place a pump and treat system at the site later this fall.

Earlier this month, the chemical was found in another resident's drinking water about a

mile away. Dartmouth called this new location "unexpected." The reach of the pump and treat system will not extend to the contaminated properties.

Dartmouth received a draft of the letter late last week. They had the chance to address any inaccuracies or concerns before it was officially filed.

According to Roisman, the college had none.

A spokesperson from Dartmouth says the college is reviewing the letter but had no further comment.

A meeting hosted by Dartmouth College about the potential harms of 1,4-dioxane will be held on Nov. 1. Dartmouth has appointed a doctor employed by Dartmouth-Hitchcock to address community concerns.